

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Crl.MC.No. 1590 of 2007()

MC.406/2006 OF THE FAMILY COURT, MALAPURAM.

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PETITIONER:

CHEERANTHODI ABDUL SALAM, AGED 46 YEARS,
S/O.SULAIMAN, PUNNAPALA, NILAMBUR,
MALAPPURAM.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:

1. MAMBADAN HAFSATH, D/O.MUHAMMED KUTTY,
VALLUVANGADU, VETTIKATTIRI P.O.,
MALAPPURAM DISTRICT.
2. RASHEEDA SHERIN, (MINOR),
AGED 12 YEARS.
3. RAYEESA SHERIN (MINOR), AGED 10 YEARS.
MINOR RESPONDENTS 2 AND 3 ARE REPRESENTED BY
MOTHER/GUARDIAN MAMBADAN HAFSATH.
4. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1590 OF 2007

Dated this the 1st day of June, 2007

ORDER

The petitioner assails the direction for payment of interim maintenance issued under Sec.125 of the Cr.P.C. in favour of the two children born to his wife. Marriage is admitted. Birth of the children for the wife is also admitted. However, there is a contention that the children were born after a valid divorce was effected. Such divorce was allegedly effected in 1993. There is absolutely nothing produced before the court below or produced before me to indicate that there was any such divorce. Nay, it is interesting to note that even according to the petitioner, the payment to be made after divorce were effected only in 1997, very strongly indicting that the divorce must have taken place only after the children were born. The learned Judge of the Family Court directed payment of interim maintenance at the rate of Rs.600/- and Rs.500/- per

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mensem to the children. The petitioner is employed as L.D. Clerk in Mambad College. The petitioner claims to be aggrieved by the said order.

2. I am in agreement with the learned counsel for the petitioner that the order is not a speaking one. But, however, I find that materials are available justifying the passing of the interim order of maintenance. I am called upon to exercise the extraordinary inherent jurisdiction. Notwithstanding the fact that the order does not speak much, materials seem to be very much available justifying the grant of interim maintenance. In these circumstances, I am not invoking the powers under Sec.482 of the Cr.P.C. to interfere with the order directing payment of interim maintenance. However, I am satisfied that the learned Judge of the Family Court must be directed to dispose of the M.C. as expeditiously as possible – at any rate, within a period of three months from the date on which a copy of this order is placed before the learned Judge.

3. Forward a copy of this order to the learned Judge of the Family Court forthwith.

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4. Hand over a copy of this order to the learned counsel for the petitioner for production before the learned Judge of the Family Court .

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge